

**AMENDMENT UNDER 37 C.F.R. § 1.111**  
**U.S. APP. NO. 09/973,046**

**REMARKS**

**I. Summarizing the Office Action and Applied References.**

Claims 1-11 are currently pending in this application. As a preliminary matter, Applicant notes that the Examiner indicates that the arguments presented in the response filed December 15, 2005 are persuasive and overcome all previous rejections. However, upon further consideration, the Examiner rejects claims 1-11 on new grounds.

Claims 1-3 are rejected as allegedly being unpatentable over *Sprague* (U.S. Patent No. 5,247,575) in view of *Chen* (U.S. Patent No. 5,978,775) and further in view of *Hollstrom* (U.S. Patent No. 6,736,247) under 35 U.S.C. §103(a). The Examiner rejects claim 4 as allegedly being unpatentable over *Sprague* under 35 U.S.C. §103(a) in view of *Chen* and *Hollstrom* as applied to claim 1, and further in view of *Boesjes* (U.S. Patent No. 6,799,165).

The Examiner rejects claims 5 and 6 as allegedly being unpatentable over *Chen* in view of *Treyz* (U.S. Patent No. 6,587,835) and further in view of *Hollstrom* under 35 U.S.C. §103(a). The Examiner rejects claim 7 as allegedly being unpatentable over *Chen* in view of *Treyz* and *Hollstrom*, as applied to claim 5 and further in view of *Boesjes* under 35 U.S.C. §103(a). The Examiner rejects claims 8 and 9 as allegedly being unpatentable over *Chen* under 35 U.S.C. §103(a) in view of *Boesjes* and further in view of *Hollstrom*.

The Examiner rejects claim 10 as allegedly being unpatentable over *Treyz* under 35 U.S.C. § 103(a) in view of *Hollstrom*. Claim 11 is rejected as allegedly being unpatentable over *Treyz* in view of *Hollstrom* under 35 U.S.C. §103(a).

**AMENDMENT UNDER 37 C.F.R. § 1.111**  
**U.S. APP. NO. 09/973,046**

*Chen* discloses an information distribution system that allows a customer to retrieve desired information from an information supplier over a communication network, wherein the customer is billed for the information retrieval on his telephone bill.

*Treyz* discloses a system to obtain information on and purchase goods from a store using a remote handheld device. *Treyz* discloses Bluetooth communication. *Treyz* teaches various forms of communication between a variety of sources for a range of applications.

*Sprague* discloses an information system that provides user-selected information to a remote user, where said information is sent in encrypted format. Retrieval of information is controlled with respect to an outstanding balance for previously received information.

*Boesjes* discloses an apparatus and method for inventory, sale and delivery of digitally transferable goods. *Boesjes* discloses wireless communication.

*Hollstrom* discloses a portable telecommunication apparatus having a user interface and an information access program, such as a browser. The information access program provides access for a user to the internet and other remote control through a wireless communication link.

**II. Addressing the Rejection of Each Claim.**

Claims 1-4. Claims 1-4 are cancelled by this Amendment.

Claim 10. The Examiner acknowledges that primary reference *Treyz* fails to teach or suggest embedded Bluetooth function. Therein the Examiner relies on *Hollstrom* to teach embedded Bluetooth function, an embedded server, required by claim 10 (OA pages 9-10).

**AMENDMENT UNDER 37 C.F.R. § 1.111**  
**U.S. APP. NO. 09/973,046**

For a proper obviousness rejection under 35 U.S.C. § 103(a), there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify or combine reference teachings (MPEP § 2143.01). The totality of the prior art must be considered, and proceeding contrary to accepted wisdom in the art is evidence of nonobviousness. (*In re Hedges*, 783 F.2d 1038, 228 USPQ 685 (Fed. Cir. 1986); MPEP § 2145(X)(D)(3)).

*Treyz* teaches a handheld terminal may be used to interact with a merchant, service provider (internet), or other entity and wireless links maybe local or remote (col. 20 lines 57-67). If anything, *Treyz* teaches away from an embedded system by teaching a range of communication modes, broad applications, and a range of data sources (col. 30, lines 3-22). An embedded Bluetooth function is clearly recognized as favored in a Bluetooth dedicated system and fails to provide the versatility taught in *Treyz*. As to the Examiner's asserted motivation of saving communication costs to subscriber's of handheld terminals, an *embedded* Bluetooth server as required by claim 10, would not effect subscriber's costs over a non-embedded Bluetooth function.

*Treyz* teaches local wireless communication in addition to other communication modes; an embedded Bluetooth function fails to provide the versatility and range of communication modes taught by *Treyz*. *Treyz* discloses Bluetooth communication (col. 13 lines 22-38). More specifically, *Treyz* teaches a handheld computing device may include accessories or expansion components (col. 15 lines 36-38). "If desired, a Bluetooth module or other wireless communication circuitry may be added as an accessory or as an expansion module." (col. 15

**AMENDMENT UNDER 37 C.F.R. § 1.111**  
**U.S. APP. NO. 09/973,046**

lines 49-51). One of ordinary skill in the art would not be motivated to use an embedded system to obtain Bluetooth function. Embedded systems generally use microcontrollers that contain many functions of a computer on a single device.<sup>1</sup> Embedded components<sup>2</sup> are routinely identified separately from expansion modules<sup>3</sup> by those ordinarily skilled in the art. *Treyz* cannot be combined with *Hollstrom* to form a proper rejection of obviousness under 35 U.S.C. § 103(a), as the reference *Treyz* teaches away from such combination. (*Quoting in re Grasselli*, "It is improper to combine references where the references teach away from their combination." (713 F.2d 731, 743, 218 USPQ 769, 779 (Fed. Cir. 1983); MPEP § 2145(X)(D)(2)). Applicant respectfully traverses the rejection of claim 10 at least on this ground.

Claim 11. The Examiner acknowledges that *Treyz* fails to teach a terminal having an embedded Bluetooth function (pages 10-11). Therein the Examiner relies on *Hollstrom* to teach this claim element. Applicant respectfully traverses the rejection of claim 11 on grounds analogous to that discussed above in the arguments traversing the rejection of claim 10. Namely, *Treyz* teaches away from incorporating an embedded Bluetooth function.

Claim 5. The Examiner acknowledges that *Chen* fails to teach or suggest that the control method is performed by a terminal via Bluetooth communication. Therein, the Examiner relies on *Treyz* to provide this claim element (OA pages 6). The Examiner further acknowledges that

---

<sup>1</sup> <http://www.tech-encyclopedia.com/embedded-system.htm>

<sup>2</sup> ETX-PM:18008-0000-11-0:ETX-PM with Intel Pentium Processor -A new dimension in embedded computing has arrived at <http://www.tri-m.com/products/esm.html>.

<sup>3</sup> DIMM-PC/EXPANSION: DIMM-PC/Expansion Modules at <http://www.tri-m.com/products/esm.html>

**AMENDMENT UNDER 37 C.F.R. § 1.111**  
**U.S. APP. NO. 09/973,046**

*Treyz* fails to teach or suggest a terminal having an embedded Bluetooth function. With respect to the required claim subject matter of an embedded Bluetooth function, the Examiner relies on *Hollstrom* to teach this element (OA page 6).

*Hollstrom* teaches a mobile phone comprising a second antenna 17 for establishing a Bluetooth link (Fig. 2; col. 3, lines 44-46). *Hollstrom* teaches a mobile telephone having a built-in WAP browser designed to connect, for example, via a short range radio link (col. 2, lines 23-30). Preferably, the protocol stack of the WAP server is adapted to all possible bearers, even if only one physical bearer 360 is used (such as either cable, infrared or Bluetooth). (*Hollstrom* col. 5, lines 10-23; Figs. 2 and 3).

Applicant submits that claim 5 is patentable based on reasoning analogous to that presented in the remarks relating to claims 10 and 11, namely that *Treyz* teaches away from an embedded Bluetooth function and therefore combination of *Chen*, *Treyz*, and *Hollstrom* does not form a proper obviousness rejection under 35 U.S.C. § 103(a).

With respect to claims 6 and 7, Applicant submits that claims 6 and 7 are patentable at least by virtue of their dependence upon an allowable claim.

Claims 8 and 9. Claims 8 and 9 are cancelled by this Amendment.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

**AMENDMENT UNDER 37 C.F.R. § 1.111**  
**U.S. APP. NO. 09/973,046**

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

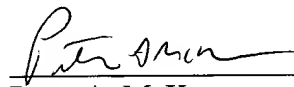
Respectfully submitted,

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

WASHINGTON OFFICE

**23373**

CUSTOMER NUMBER

  
\_\_\_\_\_  
Peter A. McKenna  
Registration No. 38,551

Date: March 30, 2006